

### **Remarks**

This is in response to the Office Action of August 2, 2011.

To expedite prosecution, claims 84, 86, 89, 91, 94 and 96 have been cancelled, claims 85, 87, 90, 92 and 95 have been amended, and claims 97-108 have been newly added.

Claims 85, 90 and 95 have been amended in independent form. As was in the previous amendment, there remains 6 independent claims pending in this applications.

New claims 97-108 recite various aspects of “a pattern of scores of said plurality of contents with respect to a time axis” recited in claims 85, 90 and 95.

New claims 97, 101 and 105 are dependent from claim 85, 90 and 95, respectively, and include the technical feature supported in Fig 7A.

New claims 98, 102 and 106 are dependent from claim 85, 90 and 95, respectively, and include the technical feature supported in Fig. 7B.

New claims 99, 103 and 107 are dependent from claim 85, 90 and 95, respectively, and include the technical feature supported in Fig. 7C.

New claims 100, 104 and 108 are dependent from claim 85, 90 and 95, respectively, and include the technical feature supported in Fig. 7D.

### **Claim Objections**

The objection of claims 84, 89 and 94 is moot in view of the cancellation of those claims. Claims 85, 90 and 95, which have been amended to incorporate the subject matter of canceled claims 84, 89 and 94, respectively, have replaced the objected to phrase with

the phrase “user's preference liking information”, which is believed to overcome the objection.

With the deletion of the terms objected to by the examiner, the objection to the claim language of claim 92 is believed to be moot.

#### 101 Rejection

In view of the further amendment to their claimed subject matter including the recitation of “memory that stores said program table created by said constraint condition solution unit”, it is believed that claims 87 and 90, and the pending claims dependent therefrom, clearly recite statutory subject matter. Therefore, the 101 rejection is believed to have been overcome.

#### 103 Rejections

Claims 82, 84, 85, 87, 89, 90, 92, 94 and 95 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 2003/0114968) ('Sato') in view of Barton (US 2011/0078035) ('Barton'). Claims 83, 88 and 93 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Barton, as applied to claims 82, 84, 85, 87, 89, 90, 92, 94 and 95 above, and further in view of Chasen et al. (US 6,760,721) ('Chasen'). Claims 86, 91 and 96 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Barton, as applied to claims 82, 84, 85, 87, 89, 90, 92, 94 and 95 above, and further in view of Foote et al. (US 2003/0205124) ('Foote').

To the extent that the rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse the rejections per the points set forth below.

#### Claims 82, 87 and 92

Sato firstly prepares a program list (time table) so as to fit the total of the lengths of the playback time of the contents information to be provided within the estimated utilization time length ([0044]). Accordingly, Sato reassesses the contents information program list

so as to fit the total of the lengths of playback time required to play the contents information yet to be played within the most recently estimated utilization time length if the information utilization time length is re-estimated ([0052] and [0055]).

Sato's method to reassess the program list to fit the total length of the contents within the estimated utilization time length is to add new contents into the program list ([0055]) or to delete any contents from the program list ([0056]).

Sato further teaches that the priority order in which the individual sets of contents information are to be played in an extend mode is indicated ([0082] and Fig. 5), and indicates that the contents with the higher priority order would be preferentially played in the extend mode, as the Examiner mentioned "(He[Sato] further teaches that extended priorities are used to determine the order/priority in which programs should be extended)" on Page 3, Lines 22-24 of the Office Action.

In sum, the Sato's method to reassess the program list to fit the total length of the contents within the estimated utilization time length is to determine and add new contents into the program list by using priorities which are set to contents information.

On the contrary, claim 82 recites the technical feature of

"utilizing said constraint condition solution unit to create said program table again through the use of a constraint solution technique with time length of each of said plurality of contents unchanged, by introducing a new constraint condition according to priorities of said constraint conditions".

Thus, according to the present invention of claim 82, the constraint condition solution unit creates the program table again through the use of a constraint solution technique on the basis of a new constraint condition introduced according to priorities of the constraint conditions.

As seen from the above, in the present invention of claim 82, priorities are set to the constraint conditions, and the program table is created again on the basis of a new constraint condition, by introducing the new constraint condition according to priorities of the constraint conditions. Therefore, it is believed that Sato fails to teach the above technical feature. The present invention of claim 82 is therefore submitted to be quite different from the Sato's method.

The Examiner cited new reference Barton in the Office Action. Barton teaches that a scheduled program may be deleted from the schedule if a change in view preferences identifies a higher priority program that could be recorded at the same time. ([0174]). According to Barton, when a preferred program is identified according to the user preference and the preferred program conflicts with a scheduled program, the scheduled program may be deleted and the preferred program could be recorded instead of the cancelled scheduled program. It is clear that Barton selects a preferred program based on user preference in order to resolve conflicts. Barton also fails to give any hint of introducing a new constraint condition according to priorities of said constraint conditions

Barton also fails to teach the technical feature of

“utilizing said constraint condition solution unit to create said program table again through the use of a constraint solution technique with time length of each of said plurality of contents unchanged, by introducing a new constraint condition according to priorities of said constraint conditions”.

Therefore, claim 82 (and also claims 87 and 92 and all claims dependent therefrom) is novel and inventive over Sato and Barton.

claims 85, 90 and 95

The Examiner stated on Page 5, Lines 17-20 of the Office Action;

“With respect to claims 85, 90 and 95, Sato in view of Barton teaches that an arrangement of said contents is determined on the basis of a pattern of said plurality of contents with respect to a time axis (Sato, Figures 3 and 5, paragraphs 44-45, 47 and 77).

However, claim 85 does not recite “a pattern of said plurality of contents with respect to a time axis”, but “a pattern of scores of said plurality of contents with respect to a time axis”.

Claim 85 recites “by referring scores set with respect to said plurality of contents according to user’s preference information”, and “an arrangement of said contents is determined on the basis of a pattern of said scores of said plurality of contents with respect to a time axis”. Claim 85 thus defines that scores with respect to the plurality of contents are set according to user’s preference information, and an arrangement of said contents is determined based on a pattern showing “change of scores (which are set according to user preference) with respect to time axis”.

Sato (and also Barton) fails to teach the above technical feature.

Therefore, claim 85 (and also claims 90 and 95 and all dependent claims therefrom) is novel and inventive over Sato and Barton.

In view of the foregoing, favorable consideration of this application by the examiner is respectfully solicited.

Respectfully submitted,

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